
In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 7.12.2006.

Inder Singh

.... Appellant.

VS

Paro and another

.....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.G.L.Bajaj,Advocate for
 Mr.K.B.Soi,Advocate,for the appellant.

Kiran Anand Lall, J.

This regular second appeal has been filed by the plaintiff, whose declaratory suit was dismissed by the trial court as well as the first appellate court.

The declaration sought for by the appellant was, regarding his exclusive ownership of the suit land on the basis of a will dated 2.6.1996, alleged to have been executed by his brother, Partap Singh, who died on 8.7.1996.

The respondents contested the suit, by denying all the averments made in the plaint. They claimed ownership of the land, on the basis of inheritance. According to them, respondent no.1 is the legally wedded wife of Partap Singh and respondent no.2 is his daughter. It was denied that Partap Singh had executed the will dated 2.6.1996 in favour of the appellant. The alleged will was described as a bogus document.

Parties went to the trial on the following issues:-

1. Whether deceased Partap Singh executed Will dated 2.6.96 in favour of plaintiff? OPP

2. Whether plaintiff is sole owner of suit land?OPP
3. Whether plaintiff is entitled for declaration and permanent injunction as prayed for?OPP
4. Whether suit is not maintainable? OPD
5. Whether no cause of action has arisen to the plaintiff to file the present suit? OPD
6. Relief.

On conclusion of trial, it was found that the appellant had failed to prove the execution of the will. The only evidence led in this regard was his own bald statement. He did not produce either of the two attesting witnesses or even the scribe of the will, to depose about the execution of the document, by Partap Singh. The first appellate court, too, affirmed this finding. It was also held that the appellant himself (PW1) had admitted that Partap Singh was married to respondent no.1 (Paro) and that respondent no.2 (Amro) was a product of this wed-lock. The fact that, later on, Partap Singh turned out respondent no.1 from his house and entered into 'matrimony' with one Kartaro, was rightly held to be of no adverse effect on the legal status of respondent no.1, as latter's wife. It may also be mentioned that the will set up by the appellant was discarded and held as a forged document, by the Assistant Collector also, who had, consequently, sanctioned the mutation of inheritance, in favour of the respondents.

There is, thus, absolutely nothing wrong with the judgments of the courts below. No question of law, much less a substantial one, arises, and as such, the appeal shall stand dismissed, in limine.